

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In RE:)	
)	
PETER DADDOSIO,)	Chapter 7
)	
Debtor.)	
)	Case No. 20-16830
)	
STRATEGIC FUNDING SOURCE, INC.,)	Honorable Judge Donald R. Cassling
)	
Plaintiff,)	
v.)	Adv. Case No. 20-A-00418
)	
PETER DADDOSIO,)	
)	
Defendant.)	

NOTICE OF MOTION

To the following parties that have been noticed by CM/ECF electronic delivery:

Peter Nabhani, Attorney for Debtor pcnabhani@gmail.com

To the following parties that have been noticed by first-class U.S. Mail, postage prepaid:

Peter Daddosio, 4121 Judd Ave., Schiller Park, IL 60176

PLEASE TAKE NOTICE that on February 1, 2022, at 9:30 a.m., I will appear before the Honorable Judge Cassling, or any judge sitting in that judge's place, and present the **MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AND TO EXTEND DISCOVERY CUTOFF DATE**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 414 7941 and the password is 619. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the

court may grant the motion in advance without a hearing.

By: /s/ Dustin B. Allen
Susan Valentine (No. 6196269)
Dustin Allen (No. 6312451)
VALENTINE AUSTRIACO &
BUESCHEL, P.C.
105 West Adams Street, 35th Floor
Chicago, Illinois 60603
Phone: (312) 238-8285
svalentine@vablawfirm.com
dallen@vablawfirm.com

PROOF OF SERVICE

I, the undersigned attorney, certify that I served a copy of this Notice and attached Motion upon the person(s) listed on the attached Service List via CM/ECF or first-class U.S. Mail, on or before January 25, 2022.

Respectfully submitted,

/s/ Dustin B. Allen

Dustin B. Allen

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In RE:)	
)	
PETER DADDOSIO,)	Chapter 7
)	
Debtor.)	
)	Case No. 20-16830
)	
STRATEGIC FUNDING SOURCE, INC.,)	Honorable Judge Donald R. Cassling
)	
Plaintiff,)	
v.)	Adv. Case No. 20-A-00418
)	
PETER DADDOSIO,)	
)	
Defendant.)	

**MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AND TO EXTEND DISCOVERY
CUTOFF DATE**

Strategic Funding Source, Inc., d/b/a Kapitus (“Strategic” or “Plaintiff”), by and through its counsel, submits its **Motion for Leave to File Amended Complaint and to Extend Discovery Cutoff Date**. In support, Strategic states as follows:

1. The Debtor filed for relief under Chapter 7 of Title 11, U.S.C., on September 9, 2020.
2. On December 14, 2020, Strategic instituted this adversary proceeding to determine the dischargeability of the debt Debtor owes to Strategic, under 11 U.S.C. §§523(a)(2), (a)(4), and (a)(6), and submitted their Complaint.
3. Debtor answered the Complaint on January 29, 2021.
4. The status hearing on discovery was continued several times as parties discussed settlement of the underlying debt. Strategic simultaneously pursued collection efforts against a third-party creditor, against whom recovery may satisfy or partially satisfy Debtor’s indebtedness owed to Strategic. Discovery was stayed while the parties were discussing settlement, per Judge Schmetterer’s Order dated March 18, 2021.

5. Parties were ultimately unable to reach an agreement. On November 2, 2021, this Honorable Court entered an order scheduling discovery, setting a discovery cutoff of March 2, 2022.
6. In review of documentation as part of the discovery process, Strategic has determined that the issues for trial can be narrowed and clarified, and has identified additional conduct in support of the claims in their complaint. Accordingly, Strategic wishes to amend their complaint and seeks leave of court, pursuant to Rules 7015, Federal Rule of Bankruptcy Procedure, and Rule 15, Federal Rule of Civil Procedure, to file their amended complaint. See Proposed Amended Complaint, Ex. A.
7. The filing of an amended complaint will require a responsive pleading from the Debtor. Further, the discovery process will require additional inquiry based on the amended allegations contained in the amended complaint.
8. Strategic therefore also wishes to extend the discovery cutoff date from March 2, 2022, to May 2, 2022, to finalize the discovery process after the amended complaint is filed.

WHEREFORE, Strategic prays that this Honorable Court grant leave for Strategic to file their amended complaint, extend the discovery cutoff date, and any further relief that this Court may deem just and proper.

Respectfully Submitted,

By: /s/ Dustin B. Allen
Susan Valentine (No. 6196269)
Dustin Allen (No. 6312451)
VALENTINE AUSTRIACO &
BUESCHEL, P.C.
105 West Adams Street, 35th Floor
Chicago, Illinois 60603
Phone: (312) 238-8285
svalentine@vablawfirm.com
dallen@vablawfirm.com